

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

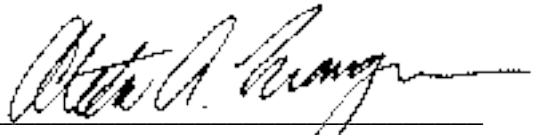
PHILLIPPE ROGERS,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:08-0547
)	Judge Trauger
DAVIDSON COUNTY SHERIFF'S OFFICE,)	Magistrate Judge Bryant
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On May 26, 2009, the Magistrate Judge issued a Report and Recommendation (Docket No. 112), to which no timely objections have been filed. On June 12, 2009, the court granted the *pro se* plaintiff's Motion for an Extension (Docket No. 122) and gave him until July 6, 2009 to file objections (Docket No. 123). The plaintiff has filed no objections by that deadline. Therefore, the Report and Recommendation is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the defendants' Motions for Summary Judgment (Docket Nos. 62, 69, 76) are **GRANTED IN PART**. The plaintiff's claims under the Eighth Amendment are **DISMISSED WITHOUT PREJUDICE** for failure to properly exhaust available administrative remedies, and his remaining claims under the Fourteenth Amendment due process clause are **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

Enter this 7th day of July 2009.



ALETA A. TRAUGER
U.S. District Judge